

### Response

In response to the restriction requirement of November 29, 2005, Applicants provisionally elect Group II with traverse. No claims have been cancelled. Applicants respectfully request the Examiner to reconsider and withdraw the restriction requirement as explained below.

With respect to the Group I claims, these are directed to a method of using the apparatus of Group II. The Group III claims are directed to a method of making the apparatus of the Group II claims.

37 C.F.R. Sec. 1.141(b) clearly states that "where claims to all three categories, product [Group II], process of making [Group III] and process of use [Group I], are included in a national application, a three way requirement for restriction can only be made where the process of making is distinct from the product."

The Examiner suggest that Group III and Group II are distinct because they are separately usable. "Independent" and "Distinct" are defined at MPEP Section 802.01. As per 37 C.F.R. Sec. 1.141 Group III and Group II must be distinct. It is does not matter whether they are independent.

Claim 18 describes a method of mapping pairs of data blocks to channels of memory by alternating between the two memory channels. Claim 11 describes the result of this mapping process. These inventions are distinct (as required at 37 C.F.R. Sec. 1.141(b)) only if they are capable of separate manufacture, use or sale as claimed and are patentable (novel and unobvious) over each other.

Applicants respectfully submit that the method of mapping in Claim 18 will result in memory mapped as claimed in Claim 11. Accordingly, Group III cannot be sold or

used independently of Group II. The mapped memory cannot be made, used or sold in a rewriteable array without using the method of Claim 18. Accordingly a restriction may not be made between Groups I, II and III.

Even if the Examiner believes that the inventions of these Claim groups are not distinct, the Restriction requirement is proper only if the Examiner concedes that the claims of Groups II and III are patentable over each other. If the Examiner persists in this Restriction Requirement, then Applicants respectfully request that the Examiner make a written finding that the claims of Groups II and III are patentably patentable over each other.

**Invitation for a Telephone Interview**

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

**Request for an Extension of Time**

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

**Charge our Deposit Account**

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: December 15, 2005

  
Gordon R. Lindeeh III

Reg. No. 33,192

12400 Wilshire Boulevard  
7<sup>th</sup> Floor  
Los Angeles, California 90025-1030  
(303) 740-1980